

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ANNETTE BRAGG WILSON

PLAINTIFF

VS.

CIVIL ACTION NO. 3:17-cv-374-WHB-RHW

NANCY A. BERRYHILL,
Commissioner of Social Security

DEFENDANT

OPINION AND ORDER

This cause is before the Court on the Report and Recommendation ("R and R") of United States Magistrate Judge Robert H. Walker. In his R and R, Judge Walker recommends that the decision of the Commissioner of Social Security to deny Plaintiff's claim for Supplemental Security Income be affirmed. After considering the R and R, Plaintiff's objection thereto, the record in this case, as well as supporting and opposing authorities, the Court finds the R and R should be adopted in its entirety.

I. Discussion

Annette Bragg Wilson ("Wilson") applied for Supplemental Security Income ("SSI") alleging a disability onset date of April 10, 2014. Following the initial denial of her application, and an unfavorable decision at the administrative level, Wilson sought review in this Court.¹ Following Wilson's submission of an initial

¹ As Wilson is proceeding *pro se*, the allegations in her pleadings have been liberally construed. See United States v. Wilkes, 20 F.3d 651, 653 (5th Cir. 1994).

brief, the Commissioner of Social Security moved to affirm her prior decision.

The matter came before United States Magistrate Judge Robert H. Walker who, after considering the pleadings, the administrative record, and relevant authorities, found that the Commissioner's decision was supported by substantial evidence and applicable legal standards. See R and R [Docket No. 24]. Based on these findings, Judge Walker recommended that the Commissioner's decision be affirmed. Id. Wilson filed a timely objection. In her objection, Wilson does not challenge any specific finding made by Judge Walker but, instead, states that she cannot do any jobs because she tires easily. Wilson also states that she needs additional time to get more documents to show she is disabled.

A district judge has authority to review a magistrate judge's report and recommendation on dispositive motions, and is required to make a *de novo* determination of any portion of a report and recommendation to which a specific written objection is made. See 28 U.S.C. § 636(b); FED. R. CIV. P. 72(b). Thereafter, the district judge may accept, reject, or modify the recommendation of the magistrate; receive further evidence in the case; or recommit the matter to the magistrate with further instructions. Id.

In her Objection, Wilson does not challenge Judge Walker's findings that the Commissioner's decision to deny her claim for SSI benefits was supported by substantial evidence and applicable legal

standards. While Wilson claims she cannot work and wants to submit additional documents to support her claim, a review of the R and R establishes that these issues were considered, and rejected, by Judge Walker as grounds for relief. This Court has now conducted the required *de novo* review, and cannot find any reason to reject or modify Judge Walker's findings and/or conclusions.

After reviewing the R and R, and conducting the required *de novo* review, the Court agrees that the Commissioner's decision should be affirmed for the reasons stated by Judge Walker. Accordingly, the Court will adopt Judge Walker's R and R over Wilson's objection. As the affirming of the Commissioner's decision will end judicial review in this Court, a final judgment dismissing this case will be entered.

II. Conclusion

For the foregoing reasons:

IT IS THEREFORE ORDERED that the August 13, 2018, Report and Recommendation of United States Magistrate Judge Robert H. Walker [Docket No. 24], is hereby adopted as the ruling of this Court.

IT IS FURTHER ORDERED that Defendant's Motion to Affirm Commissioner's Decision [Docket No. 21] is hereby granted. A Final Judgment dismissing this case shall be entered this day.

SO ORDERED this the 19th day of September, 2018.

s/ William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE